

**JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE  
IN AND FOR SUSSEX COUNTY  
COURT NO. 17**

VAN GABRIEL TERLEMAZIAN  
Plaintiff Below,  
Appellee

VS

ROUENA KONKIEL  
SHANNON TRUITT  
Defendant Below,  
Appellant

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C.A. No. JP17-20-004160

TRIAL DE NOVO

Submitted: October 29, 2021  
Decided: November 12, 2021

**APPEARANCES:**

Paul G. Enterline, Esquire, represented the plaintiff.  
Emery Adbel-Latif, Esquire, represented the defendants.

Richard D. Comly, Jr., Justice of the Peace  
Jennifer Sammons, Justice of the Peace  
John C. Martin, Senior Justice of the Peace

Martin for the Court

**JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE  
IN AND FOR SUSSEX COUNTY  
COURT NO. 17**

**CIVIL ACTION NO: JP17-20-004160**

**VAN GABRIEL TERLEMAZIAN VS ROUENA KONKIEL ET AL**

**ORDER ON TRIAL DE NOVO**

The Court has entered a judgment or order in the following form:

**HISTORY**

On October 23, 2020, the initial plaintiffs filed this action seeking possession of the property located at 18916 Shingle Point Road, Georgetown, Delaware for denying the plaintiffs' access to the rental for the purpose of inspecting the property. On February 23, 2021 the Plaintiff filed a Motion to amend the complaint to add the grounds that the lease had expired due to two sixty-day notices of non-renewal of the lease given in October 2020. This Motion was granted. On October 24, 2021 Theresa Terlemazian was withdrawn as a plaintiff.

On May 11, 2021 the defendants filed a counterclaim. On August 5, 2021 a hearing was held in the case. The plaintiff moved to seek summary judgment on the issue of possession only and this was granted. The issue of monetary damages was to be scheduled for a later date.

On August 11, 2021 the defendants filed a timely appeal of this judgment pursuant to Section 5717 of Delaware's Landlord-Tenant Code (Code). On August 12, 2021 the defendants filed a Motion for a new trial by the original Court and this was denied. This is the decision of the Three Judge Panel hearing the appeal as a Trial De Novo.

**DISCUSSION**

The plaintiff's claim on the issue of possession is straightforward. In 2015 Rouena.Konkiel entered into a one-year lease with the plaintiff. After the initial term of the lease expired, the lease term became month to month by operation of law, that is, Section 5108 of the Code. Shannon Truitt has also claimed rights as a tenant but the plaintiff has questioned this status.

On October 7, 2020 the plaintiff sent both defendants a letter giving them a 60 day notice to vacate the property and stating that the house was listed for sale with a realtor. On October 14, 2020 the plaintiff's Counsel sent both defendants a letter confirming the previous letter sent by the plaintiff and giving a lease termination date of December 31, 2020. The tenants failed to vacate as requested and have retained possession of the rented property.

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On August 17, 2021 the plaintiff filed a Motion for Summary Judgment on the issue of possession. In considering this Motion and the Defendants' stipulation to the facts outlined in paragraphs 2b-2i, the Court found that there were no material facts in dispute on this issue. The defendants raised the argument that the lease termination notice of the plaintiff was a retaliatory action. The Court found that even if this were so, the statutory remedy would be a monetary award as stated in Section 5516(e) of the Code, not an award of possession to the defendants.

### ORDER

Therefore, after considering all the evidence and arguments presented, the Court enters judgment on behalf of the plaintiff and against the defendants for possession of the rented property.

The Clerk of the Court will schedule a trial before a single Judge on all remaining monetary claims.

IT IS SO ORDERED 12th day of November, 2021

/s/John C. Martin  
Senior Justice of the Peace  
For the Three Judge Panel



Information on post-judgment procedures for default judgment on Trial De Novo is found in the attached sheet entitled Justice of the Peace Courts Civil Post-Judgment Procedures Three Judge Panel (J.P. Civ. Form No. 14A3J).

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